

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

FE WEAR, widow of RICKY WEAR,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:06-cv-244
	)	(Varlan/Shirley)
TRANSAMERICA LIFE INSURANCE,	)	
COMPANY,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM AND ORDER**

This matter is before the undersigned pursuant to 28 U.S.C. § 636 (b), the Rules of this Court, and by the Order [Doc. 10] of the Honorable Thomas A. Varlan, United States District Judge, for disposition of the following motion: Defendant's Motion to Dismiss or in the Alternative Motion to Compel [Doc. 9]. Defendant moves [Doc. 9] for either a motion to dismiss or a motion to compel, citing Plaintiff's failure to provide her initial disclosures to Defendant and to respond to interrogatories and requests for production.

On April 10, 2007, this Court held a telephone conference regarding Defendant's motion and the current status of discovery. Attorneys Charles Currier, representing Plaintiff, and Joshua Wolfe, representing Defendant, were present for the telephone conference. No parties were in attendance. The Court inquired as to the current status of the initial disclosures, interrogatories, and requests for production. Mr. Currier represented, and Mr. Wolfe agreed, that he has now provided Defendant with Plaintiff's Rule 26(a) initial disclosures. Accordingly, Defendant's motion

is **DENIED as moot as to the initial disclosures.** As to Defendant's interrogatories and requests for production, Mr. Currier represented that he did not receive these documents when they were purportedly sent on February 22, 2007. He noted that he has since received them and informed the Court that he will answer them by April 13, 2007. Accordingly, Defendant's motion to compel is **GRANTED as to responses to interrogatories and requests for production.** Plaintiff has until the close of business on **April 13, 2007** to file her responses to Defendant's interrogatories and requests for production.

Based on the above discovery dispute, the Court finds that the dispositive motion deadline must be amended. The parties' dispositive motion deadline is extended to **April 27, 2007.** Responses to dispositive motions are due on or before **May 22, 2007.** No other deadlines have been amended; they remain as provided for in the Court's Scheduling Order. [Doc. 8]. The trial date remains as scheduled, **August 21, 2007,** before the Honorable Thomas A. Varlan.

**IT IS SO ORDERED.**

**ENTER:**

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge